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## Notice of Intent to Adopt a Rule

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### TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #02-163

Under IC 4-22-2-23, the Board of Trustees of the Public Employees' Retirement Fund intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 35 IAC 8 and 35 IAC 9 to conform to changes made to the Internal Revenue Code by the federal Economic Growth and Tax Relief Reconciliation Act of 2001, and adds 35 IAC 10 concerning rollovers, service purchases, and enhanced retirement savings opportunities for Fund members (Senate Enrolled Act 59). Statutory authority: IC 5-10.3-3-8.

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### TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY

LSA Document #02-171

Under IC 4-22-2-23, the Indiana Transportation Finance Authority intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 135 IAC 2. The Indiana transportation finance authority, working with the Indiana department of transportation, intends to readopt the rules for the Indiana East-West Toll Road published currently at 135 IAC 2. Subject to the receipt of comments from the public, the authority does not intend to amend the current rules substantially, but, the authority does intend to amend certain of the terms and phrases and other provisions of the current rules to reflect current law, usage and circumstance. The authority does not intend to amend any rule to increase or decrease the tolls now in effect for use of the Toll Road. Public comments are invited. Comments should be directed to Mr. Edward Kersten, Deputy Director and Counsel, Toll Road District, Indiana Department of Transportation, Post Office Box 1, Granger, Indiana 46530-0001; telephone: (574) 674-8836; facsimile: (574) 674-5056. Statutory authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2.

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### TITLE 210 DEPARTMENT OF CORRECTION

LSA Document #02-173

Under IC 4-22-2-23, the Department of Correction intends to adopt a rule concerning the following:

**OVERVIEW:** Amends, with numerous incidental and/or substantive changes, 210 IAC 6-1-1, 210 IAC 6-2-3, 210 IAC 6-2-4, 210 IAC 6-2-5, 210 IAC 6-2-13, 210 IAC 6-3-1, 210 IAC 6-3-2, 210 IAC 6-3-3, 210 IAC 6-3-4, 210 IAC 6-3-5, 210

IAC 6-3-9, 210 IAC 6-3-10, and 210 IAC 6-3-11. Repeals 210 IAC 6-2-2, 210 IAC 6-2-13, and 210 IAC 6-3-6. Questions or comments on the amendment and adoption may be directed by mail to the Department of Correction, ATTENTION: Legal Services Division, Indiana Government Center-South, 302 West Washington Street, E334, Indianapolis, Indiana 46204 or by electronic mail to [visitors@coa.doc.state.in.us](mailto:visitors@coa.doc.state.in.us). Statutory authority: IC 11-8-2-5(b)(1); IC 31-31-8-2.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-162

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 5-6-6 that provides restricted watercraft zones on Lake Wawasee to replace 10 miles per hour speed limits with expanded idle speed zones and watercraft prohibition zones on Lake Wawasee and Syracuse Lake for the protection of ecological resources. (This proposal is similar to one considered as LSA Document #01-293.) Effective 30 days after filing with the secretary of state. Statutory authority: IC 14-15-7-3.

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-184

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Adds to 405 IAC 1, provisions affecting change of ownership enrollment and notification requirements in the Medicaid program; defines how funds will be allocated (paid and recouped) to providers when a change of ownership occurs. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-3.

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-185

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

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**OVERVIEW:** Amends 405 IAC 5-34 to specify documentation requirements under the Medicaid hospice benefit for individuals enrolled in the Medicaid hospice benefit, and to provide for retrospective audit of hospice services, including review for medical necessity. Amends 405 IAC 5-34-1 to specify that the hospice provider must provide all services in compliance with the Medicaid provider agreement, the appropriate provider manual and all other Medicaid policy documents issued to provider at the time services were rendered, and any applicable state or federal statute or regulations. Amends 405 IAC 5-34-3 to allow Medicaid reimbursement for hospice services provided by out of state hospice providers outside of designated areas if certain conditions are met. Adds 405 IAC 5-34-4.1 regarding appeals of hospice authorization determinations. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-40-8.

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-186

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 405 IAC 5 to add humidification, and solutions used for humidification, to a Medicaid-enrolled nursing facility's per diem rate. Makes other conforming changes. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2.

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### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #02-187

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

**OVERVIEW:** Adds provisions regarding the hire of a fiscal agent by an individual in need of self-directed in-home care who has hired a personal services attendant pursuant to 460 IAC 1-8, including duties, qualifications, and registration requirements of the fiscal agent, methods of payment for a personal services attendant and fiscal agent, and record keeping requirements. It will become effective 30 days after filing with the secretary of state. Statutory authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-17.

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### TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #02-170

Under IC 4-22-2-23, the Indiana State Board of Education intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 511 IAC 5-2-3 and 511 IAC 5-2-4 to change requirements for participation of limited English proficient students in ISTEP testing to coincide with requirements of federal law. Statutory authority: IC 20-10.1-16-10.

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### TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #02-177

Under IC 4-22-2-23, the Indiana State Board of Education intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 511 IAC 6-7-6.5 to add integrated mathematics II and integrated mathematics III to the list of courses that count toward the academic honors diploma. Amends 511 IAC 6.1-5.1-5 to change the name of mathematical topics to integrated mathematics. Statutory authority: IC 20-1-1.2-18.

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### TITLE 511 INDIANA STATE BOARD OF EDUCATION

LSA Document #02-178

Under IC 4-22-2-23, the Indiana State Board of Education intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 511 IAC 6.1-5.1-5 to remove from the approved list of high school mathematics courses those courses that are remedial in nature or duplicate other courses. Adds a remedial mathematics course that will not count toward the high school graduation requirement in mathematics. Consolidates certain courses to more accurately reflect the manner in which the courses should be offered. Changes the names of courses to reflect the academic standards on which the courses are based. Effective July 1, 2004. Statutory authority: IC 20-1-1.2-18.

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### TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION

LSA Document #02-179

Under IC 4-22-2-23, the Indiana Grain Indemnity Corporation intends to adopt a rule concerning the following:

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**OVERVIEW:** Repeals 825 IAC 1-1-5, "Grain" defined, in order to eliminate redundancy between the rule and in the definition that currently exists in IC 26-4-1-13. Repeals 825 IAC 1-5-1 and 825 IAC 1-5-2 in order to remove language relating to new producers that was removed from IC 26-4-1-16 during the 2001 Session of the General Assembly. Questions or comments on the adoption may be directed to the Indiana Grain Indemnity Corporation, c/o Indiana Grain Buyers and Warehouse Licensing Agency, Office of the Commissioner of Agriculture, 150 West Market Street, Room 414, Indianapolis, Indiana 46204; or by electronic mail at rowley@commerce.state.in.us. Statutory authority: IC 26-4-7-1.

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### TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #02-180

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 844 IAC 2.2-2-1, 844 IAC 2.2-2-2, and 844 IAC 2.2-2-5 concerning certification of physician assistants. Amends 844 IAC 2.2-2-8 concerning fees for registration of physician assistants. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Medical Licensing Board of Indiana, ATTENTION: Director, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by email to ajones@hpb.state.in.us. Statutory authority: IC 25-22.5-2-7; IC 25-27.5-3-5.

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### TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

LSA Document #02-181

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 844 IAC 6-4-1 concerning mandatory registration and renewal of licenses for physical therapists and mandatory registration and renewal of certificates for physical therapist's assistants. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Medical Licensing Board of Indiana, ATTENTION: General Counsel, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by email to bmcnut@hpb.state.in.us. Statutory authority: IC 25-27-1-5; IC 25-27-1-8.

### TITLE 848 INDIANA STATE BOARD OF NURSING

LSA Document #02-182

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 848 IAC 1-1-14 concerning fees for filing a multi-state licensure privilege form and fees for updating a multi-state licensure privilege form. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Indiana State Board of Nursing, ATTENTION: Director, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by email to krkelley@hpb.state.in.us. Statutory authority: IC 25-1-8-2; IC 25-23-1-7; IC 25-23.2-3-5.

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### TITLE 848 INDIANA STATE BOARD OF NURSING

LSA Document #02-183

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 848 IAC 6 concerning the interstate nurse licensure compact and multi-state licensure privileges. Effective July 1, 2003. Public comments are invited and may be directed to the Indiana State Board of Nursing, ATTENTION: Director, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by email to krkelley@hpb.state.in.us. Statutory authority: IC 25-23-1-7; IC 25-23.2-3-5; IC 25-23.2-7-3.

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### TITLE 856 INDIANA BOARD OF PHARMACY

LSA Document #02-172

Under IC 4-22-2-23, the Indiana Board of Pharmacy intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 856 IAC 1-35. The amendments allows the pharmacist in charge to determine if a technician is qualified, provides technicians the opportunity to pass a certification exam in lieu of taking the training program, deletes reference to the provision of quality assurance and duties, and corrects a typographical error. Public comments are invited. Statutory authority: IC 25-26-13-4.

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### TITLE 925 MERIDIAN STREET PRESERVATION COMMISSION

LSA Document #02-161

Under IC 4-22-2-23, the Meridian Street Preservation Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 925 IAC 2 to establish enforcement procedures by the commission. Public comments are invited and may be directed to Tammara Tracy, Chairman, Meridian Street Preservation Commission, 2042 City County Building, Indianapolis, Indiana 46204, or by electronic mail to [ttracy@indygov.org](mailto:ttracy@indygov.org). Statutory authority: IC 36-7-11.2-27.

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